

Appl. No. : 09/908,994  
Filed : July 17, 2001

### REMARKS

Claims 10-20 are currently pending. Claims 10-20 have been rejected. Reconsideration of the rejections is requested in view of the following remarks.

Claims 10-14 and 16-20 stand rejected under 35 U.S.C. § 103(a) over U.S. Pat. No. 6,124,092 (the "'092 patent"). Furthermore, Claim 15 stands rejected over the '092 patent in light of Hellyer et al. (hereinafter "Hellyer"). Applicants maintain that the claims are not obvious in view of the cited references and reiterate the assertions made in their previous remarks.


Additionally, the '092 patent is only available as prior art under 35 U.S.C. § 102(e). The present application and the cited reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. As such, Applicants note that U.S. Pat. No. 6,124,092 is not available as prior art against the present application in obviousness rejections in light of 35 U.S.C. § 103(c). Applicants note that Hellyer is only asserted for teaching voltage related aspects and does not teach or suggest any of the other elements of Claim 10 or the other dependent claims. In light of the unavailability of the '092 patent and the lack of the necessary teachings in Hellyer, a *prima facie* case of obviousness has not been established. As such, Applicants request that the rejection of Claims 10-20 be withdrawn and the claims allowed.

Applicants believe that the Application is in condition for allowance and respectfully request the same. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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